

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD A. NESMITH,	)	
	)	Civil Action No. 11 – 425
Plaintiff,	)	
	)	District Judge Terrence F. McVerry
v.	)	Chief Magistrate Judge Lisa Pupo Lenihan
	)	
SOUTHERN HEALTH PARTNERS,	)	
et al,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

On March 31, 2011, a motion for leave to proceed *in forma pauperis* was filed in the above captioned case. (ECF No. 1.) The motion was granted (ECF No. 2) and Plaintiff's Complaint was filed that same day (ECF No. 3). On July 5, 2011, this case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Local Rules 72.C and 72.D.

Defendants filed a motion to dismiss Plaintiff's Complaint on July 5, 2011 (ECF No. 17), and on January 10, 2012, the magistrate judge entered a Report recommending that Defendants' motion be granted (ECF No. 22). Plaintiff was served with the Report at his listed address and was advised that he had until January 27, 2012, to file written objections. No objections were filed to the Report.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered.

**AND NOW**, this 9th day of February, 2012,

**IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss (ECF No. 17) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 22) dated January 10, 2012, is **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Judge

cc: Richard A. Nesmith  
OOR Center  
6023 Harvard Street  
Pittsburgh, PA 15206